

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLENN JOHNSON,

Plaintiff,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

Case No. 15-cv-00403 (WHP)

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Pursuant to Section VI(B)(i) of the Court's Individual Practices, Plaintiff Glenn Johnson respectfully proposes the following questions set forth below for inclusion in the Court's voir dire of the jury panel in the trial of the above-captioned case, currently scheduled to commence on October 16, 2017.

I. Juror General Information

1. Where do you live?
2. How long have you lived there?
3. Are you currently employed?
4. [If yes:
 - (a) What is the name of your employer?
 - (b) How long have you been employed there?
 - (c) What is your current title?
 - (d) Do you supervise or manage anyone?]
5. Are you married, divorced, separated, widowed, or single?
 - (a) [If married presently or formerly, is/was your spouse employed?]
 - (i) [If yes:

- (ii) What is/was the name of your spouse's employer?
 - (iii) How long has/had your spouse been employed there?
 - (iv) What is/was your spouse's current title?]
- 6. What is the highest level of education that you have obtained?
- 7. Are you a member of any political organizations?
- 8. Have you ever served in the military? If so:
 - (a) What rank did you hold?
 - (b) What duties did you have?
- 9. Have you ever served in law enforcement or a correctional facility? If so:
 - (a) What rank did you hold?
 - (b) What duties did you have?

II. Knowledge of Parties, Witnesses and Attorneys

- 1. The plaintiff in this case is Glenn Johnson. Do you or any members of your family know Mr. Johnson or member of his family?
- 2. [If yes:
 - (a) How long have you (or your family) known the plaintiff (or his family)?
 - (b) How do you (or your family) know the plaintiff (or his family)?]
- 3. The defendants in this case are New York City Department of Correction Officer Saran Perry and Officer Pedro Rodriguez. Do you or any members of your family know Officer Perry or Officer Rodriguez, or any members of their respective families?
- 4. [If yes:
 - (a) How long have you (or your family) known either defendant (or his or her family)?
 - (b) How do you (or your family) know either defendant (or his or her family)?]

5. The following individuals may be witnesses during this trial: New York City Department of Correction Officers Terry Dixon and Shakiyna Espino. Do you know any of these people?
6. [If yes:
 - (a) Which person do you know?
 - (b) How do you know them?
 - (c) How long have you known them?]
7. The attorneys in this case are Brian Francolla and Joseph Zangrilli of the New York City Law Department and James Blank, Gizele Rubeiz, and Kevin Sullivan of Arnold & Porter Kaye Scholer LLP. Do you know any of these people?
8. [If yes:
 - (a) Which person do you know?
 - (b) How do you know them?
 - (c) How long have you known them?]
9. Have you or any family member or close friend ever had any connection or dealings with the Office of Corporation Counsel of the New York City Law Department? If so, please state the nature of the connection or dealings.
10. Have you or any family member or close friend ever had any connection or dealings with Arnold & Porter Kaye Scholer LLP? If so, please state the nature of the connection or dealings.
11. Have you or any family member or close friend ever had any connection or dealings with the New York City Department of Correction? If so, please state the nature of the connection or dealings.
12. Do you know any of the federal judges or personnel of the federal court, such as court reporters, marshals, or court security officers? If so, please state the nature of the dealings.
13. [If yes:
 - (a) Which person do you know?
 - (b) How do you know them?
 - (c) How long have you known them?]

III. Legal and Jury Experience

1. Have you ever had any classes in law or legal training of any kind?
2. Have you or any of your family members ever worked for a lawyer or a law firm?
3. Do you know any of the panel members?
4. Do you have prior experience with the civil court system?
5. Have you, or has any member of your family or any person close to you, ever been involved in a lawsuit of any kind, other than a family lawsuit?
6. [If yes:
 - (a) What type of lawsuit was it?
 - (b) What was your role in the lawsuit?
 - (c) How was the lawsuit resolved or otherwise adjudicated?]
7. Have you been a member of a jury before?
8. [If yes, was it a civil or criminal jury?]

IV. Experience with Arrest, Conviction, and/or Imprisonment

1. Have you ever been arrested? If so:
 - (a) What was the arrest charge?
 - (b) Did you spend any time in prison awaiting trial or some other court proceeding?
2. Have you ever been convicted of a crime? If so:
 - (a) What was the crime?
 - (b) Where did the crime take place?
 - (c) Did you plead guilty or were you convicted at trial?
 - (d) What sentence did you receive?
 - (e) If imprisonment, where did you serve the term of imprisonment?
3. Have any of your family members or close friends ever been convicted of a crime or served time in prison, even if not convicted of a crime? If so:

- (a) What was the crime or alleged crime?
 - (b) Where did the crime occur or where was it alleged to have occurred?
 - (c) Was the charge dismissed or was the person found not guilty?
 - (d) Did the person plead guilty or was he/she convicted at trial?
 - (e) What sentence did the person receive?
 - (f) If imprisonment, where did the person serve the term of imprisonment?
- 4. Have you ever visited anyone incarcerated in prison? If so, please provide details.
 - 5. Have you ever visited a prison generally, as part of your work or for some other reason?

V. Impartiality & Witness Credibility

- 1. The plaintiff in this case claims that the defendants, who are correction officers employed by the New York City Department of Correction, violated his constitutional rights in using excessive force against him while he was in the custody of the Department of Correction awaiting trial. Is there anything in your background or experience that would prevent you from fairly deciding the truth of his claim based upon evidence offered and ruled admissible by the Court?
- 2. Have you ever heard the plaintiff, Glenn Johnson, or read about this case, or do you have any knowledge of it?
- 3. The fact that the plaintiff is currently incarcerated and was incarcerated at the time of the incident in question must not affect your deliberations or your verdict. Do you have any belief or feeling that an incarcerated person should not file lawsuits concerning his what he claims to be his illegal treatment during his incarceration?
- 4. Will you base your decision in this action solely on the evidence presented in this case and the law as I explain it to you?
- 5. Do you agree with the law that says that a person who takes the witness stand, regardless of his profession, has equal standing with any other person who takes the witness stand?
- 6. If the plaintiff testifies in this case, would you give him the same credence that you would give any other witness?

7. Do you believe law enforcement officers, including correction officers, are more trustworthy than other people?
8. Should they be given the benefit of the doubt if their conduct is challenged?
9. Do you believe prisoners are less trustworthy than other people?
10. Would the fact that the plaintiff in this case is a prisoner make you less likely to render a favorable verdict for the plaintiff?
11. Are you less likely to believe an individual if he has been convicted of a crime or multiple crimes?
12. Are you less likely to believe an individual if he has a history of mental illness?
13. Are you less likely to believe an individual if he has a history of drug addiction?

VI. Opinion about Correctional Facilities and Officers and Prisoners

1. Have you ever read or watched anything about use of force by correction officers against inmates in a prison facility? If so, what was the source of information?
2. Do you think it is unlikely that a correction officer would ever use more force than is necessary against an inmate?
3. Do you think it is unlikely that a correction officer would ever assault an inmate?
4. Do you believe serving a prison sentence is sufficient punishment, or do prisoners deserve additional punishment?
5. Do you believe that prisoners have certain legal rights while they are incarcerated, or do you believe that prison officials should have the right to do whatever they feel is necessary to maintain order and discipline?

VII. Conclusion

1. On the basis of what you have learned about this case and its parties, do you have any present feeling for or against any of the parties, attorneys, or witnesses in this matter?
2. Do you know of any other reason or has anything occurred during this question period that makes you doubt that you can be a completely fair

and impartial juror in this case? If there is, it is your duty to disclose such reason at this time.

Plaintiff respectfully requests that the Court ask further questions of potential jurors as the Court may deem appropriate. Plaintiff further respectfully reserves the right to modify, amend, or supplement these proposed charges as the Court may require or as the facts and circumstances warrant.

Dated: October 2, 2017
New York, New York

Respectfully submitted,

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